

GJP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Corey Maxey Sr.

17 2473

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Michael Kelly

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☐ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Corey Maxey
ID # 69413
Current Institution Chester County Prison
Address 501 S Wawa Set Road, West Chester, Pennsylvania
19382

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Michael Kelly Shield # N/A
 Where Currently Employed Chester County Prison
 Address 501 S. Wawa Set Road
West Chester, Pa 19382

Defendant No. 2 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 3 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? Chester County Prison

B. Where in the institution did the events giving rise to your claim(s) occur? It happen N-Block pod 2.

C. What date and approximate time did the events giving rise to your claim(s) occur? 3-26-17

2:00 pm

What
happened
to you?

D. Facts: I was on the phone with my mother who was trying to explain how my son had died. C.O Kelly came on the pad told me to get the "F" off the phone. I told him I have family issues going on. He continue to curse and threatening me which lead to us arguing. He said he was going to write me up I told him go head. Instead of writing me up he came over in my personal space and hung my phone call up. As I was getting up he C.O Kelly pushed me in back and tried to push me to the floor. I reacted out of impulse and indulge in a physical contact with him which he had to recieve medical attention. No one else was involed. Maurice Brown #69403, Bobbie Carpenter, #36945, Tyquan Davis #7512, Robert Grove #78444 seen what happen and also on video camera what had transpired and also phone voice record. AS of being obtained 7. Correctional officers assaulted me which I had a Swollen Jaw, busted lip and Black eye. The sergants and lieuntants refuse to take me to medical or to take pictures of my face.

Who
did
what?

Was
anyone
else
involved?

Who else
saw what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I had a Swollen Jaw, Busted lip and Bruised eye of the left side. Medical refused to see me.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a

prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Chester County Prison

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☐ No ☒

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☒

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve? _____

2. What was the result, if any? _____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: The
reason being the guards will not have put in
my grievance.
2. If you did not file a grievance but informed any officials of your claim, state who you
informed, when and how, and their response, if any: Lt. Ham of Chester
County prison and he told me he couldn't help
me in no way or form.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. **Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I would like the State to
drop the charges against me especially Attempted murder.
And press charges against Michael Kelly

3. Docket or Index number _____

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4. Name of Judge assigned to your case _____
5. Approximate date of filing lawsuit _____
6. Is the case still pending? Yes ____ No ____
- If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____
- _____
- _____

On
other
claims

C. Have you filed other lawsuits in state or federal court?

Yes ____ No ☒

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 27 day of may, 2017.

Signature of Plaintiff Corey Mackey Jr.

Inmate Number 69413

Institution Address Chester County
501 S. Wawa Set Road
West Chester, Pa 19382

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 27 day of may, 20 17, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: Cory Maly Jr.